

# EXHIBIT “A”

Michael R. Lombardi, Esq.  
 I.D. No.: 012322007  
 Lombardi & Lombardi, P.A.  
 1862 Oak Tree Road  
 P.O. Box 2065  
 Edison, New Jersey 08818  
 Tel: (732) 906-1500  
 Fax: (732) 906-7625

E-Mail: [michaelr@lombardiandlombardi.com](mailto:michaelr@lombardiandlombardi.com)

*Attorneys for Plaintiff(s), Michael Horev; Our File No.: 21-29894MRL*

MICHAEL HOREV, an individual;	:	SUPERIOR COURT OF NEW JERSEY
	:	MIDDLESEX COUNTY
Plaintiff(s),	:	LAW DIVISION
	:	
-vs-	:	
	:	DOCKET No.:
THE HOME DEPOT USA, a corporation;	:	
THE HOME DEPOT OF SOUTH	:	
PLAINFIELD, a business entity; JOHN	:	
DOES (1-10), fictitiously named	:	<u>CIVIL ACTION</u>
individuals; and ABC Companies (1-10);	:	
fictitiously named business entities.	:	COMPLAINT AND JURY DEMAND;
	:	R. 4:5-1 CERTIFICATION, AND
Defendant (s).	:	DESIGNATION OF TRIAL COUNSEL
	:	

Plaintiff, **MICHAEL HOREV**, an individual residing at 509 E. Hendricks Boulevard, Borough of South Plainfield, County of Middlesex, and State of New Jersey by way of Complaint and Jury Demand against the defendants says:

### FIRST COUNT

1. At all times mentioned herein Defendant, The Home Depot USA, a corporation, did own and operate a chain of businesses including The Home Depot of South Plainfield located in the County of Middlesex, and State of New Jersey.

2. On or about December 18, 2020 and for a long period prior thereto, the defendants, The Home Depot USA and The Home Depot of South Plainfield were the owners and operators of property located at 3100 Hamilton Boulevard, Borough of South Plainfield, County of Middlesex, and State of New Jersey.

3. A. On or about December 18, 2020 and for a long period prior thereto, the defendants, The Home Depot USA and The Home Depot of South Plainfield, did negligently, improperly and carelessly design, construct, maintain, and supervise the aforementioned premises and more particularly the exterior portion of the garden center where firewood was stacked on pallets for sale to customers.

B. The defendants, The Home Depot USA and The Home Depot of South Plainfield, did fail to maintain and give warning to occupants and invitees of the dangerous and hazardous condition that existed in said exterior portion of the garden center where firewood was stacked on pallets for sale to customers.

C. The defendants, The Home Depot USA and The Home Depot of South Plainfield, did fail to maintain the exterior portion of the garden center where firewood was stacked on pallets for sale to customers.

4. As a direct and proximate result of the aforesaid negligence, carelessness and omissions of the defendants, and the resultant slipping hazard in the exterior portion of the garden center where firewood was stacked on pallets for sale to customers, the plaintiff, Michael Horev, on December 18, 2020, was caused to slip and fall and did sustain serious and permanent injuries of both mind and body, did suffer great pain of mind and body, was caused to incur medical expenses in an attempt to cure himself of the injuries so sustained, will incur future medical expenses due to the permanent

nature of the injuries he sustained, was deprived of carrying out his normal and usual activities and affairs for a period of time and was otherwise damaged.

**WHEREFORE**, the plaintiff, Michael Horev, does hereby demand judgment against the defendants, jointly and severally, for compensatory damages together with interest and costs of suit.

### **SECOND COUNT**

1. The plaintiffs repeat the allegations of the First Count as if same were set forth herein at length.

2. John Does (1-10) and ABC Companies (1-10) are fictitiously named as defendants respectively representing any persons and/or business entities who had ownership and/or control of any of the instrumentalities of the damages complained of herein or who are otherwise liable for the damages complained of herein.

3. This Count is also reserved by plaintiffs who have alleged negligence and breach of warranty against any other persons and/or business entities which participate in the design, construction, maintenance, inspection and supervision of the exterior garden center area upon which the plaintiff, Michael Horev, was caused to fall and sustained injury. Said persons and business entities are respectively designated herein as John Does (1-10), fictitiously named individuals, and ABC Companies (1-10), fictitiously named business entities.

**WHEREFORE**, the plaintiff, Michael Horev, demands judgment against the defendants, jointly and severally, for compensatory damages together with interest and costs of suit.

**JURY DEMAND**

Plaintiffs hereby demand a trial by jury of six (6) persons on all issues so triable.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to the provisions of R. 4:25-4, Michael R. Lombardi, Esq. is hereby designated as trial counsel.

**CERTIFICATION; R.4:5-1**

The undersigned certifies that, to the best of his knowledge and belief, there is not currently pending nor anticipated any other related civil action or arbitration proceeding regarding the subject matter of the within lawsuit.

**CERTIFICATION R.4:5-1 (b) (3)**

The undersigned certifies that the within pleading contains no personal confidential identifiers for any party named herein. The undersigned recognizes a responsibility to ensure the same as to subsequent pleadings.

I certify that the foregoing statements made by me in this Certification are true. I am aware that if any statement contained herein is willfully false, I am subject to punishment.

DATED: April 7, 2022

/s/ Michael R. Lombardi

MICHAEL R. LOMBARDI  
LOMBARDI & LOMBARDI, P.A.  
*Attorneys for Plaintiff, Michael Horev*